

ESTTA Tracking number: **ESTTA733661**

Filing date: **03/15/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223324
Party	Plaintiff Codename Enterprises, Inc.
Correspondence Address	EDWARD SUSSMAN Codename Enterprises, Inc. 111 WEST 67TH STREET, SUITE 20B NEW YORK, NY 10023 UNITED STATES emsussman@gmail.com
Submission	Opposition/Response to Motion
Filer's Name	Edward Sussman
Filer's e-mail	ed@buzzr.com
Signature	/es/
Date	03/15/2016
Attachments	MOTION-ANSWER-TTAB-3-15.pdf(2586239 bytes)

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

In the matter of Application Serial No. 86/451,967
Filed on November 12, 2014
For the Mark: BUZZR
Published for Opposition on April 14, 2015

Codename Enterprises, Inc.
Opposer,

v.

Opposition No. 91223324

Fremantle Media North America, Inc.,
Applicant.

Opposer's Response to Motions to Compel Discovery and to Test Sufficiency of Response

Applicant FremantleMedia North America, Inc. ("Applicant") moved to compel Codename Enterprises, Inc.'s ("Opposer") answers to Applicant's First Set of Interrogatories, responses to Applicant's First Set of Requests for the Production of Documents and Things, and to test sufficiency of Opposer's responses to Applicant's First Set of Requests for Admission (collectively the "Discovery Requests").

Opposer, through its attorney Edward Sussman, requests that the motions be denied for the following reasons:

On February 18, 2016, Opposer, Codename Enterprises ("Opposer") by its attorney Edward Sussman, filed a Motion to Suspend these proceedings pursuant to Trademark Rule 2.117 .(a), 37 C.F.R. § 2.117(a) because on that same day, February 18, 2016, Opposer, through its attorneys, Archer & Greiner, filed a complaint in United States District Court for the Southern District of New York against FremantleMedia North America, Inc. for trademark infringement and dilution among other claims, regarding the same mark, "BUZZR", being opposed in the TTAB proceeding.

As stated in *9-500 Gilson on Trademarks 510* (fourth edition, June 2015), "Unless there are unusual circumstances, the Board will suspend proceedings in the case before it if the final determination of the other proceeding may have a bearing on the issues before the Board", citing *37 CFR § 2.117(a)*. See, e.g., *New Orleans Louisiana Saints LLC & NFL Props. LLC v. Who Dat?, Inc.*, 99USPQ2d 1550, 1552 (TTAB 2011) (civil action need not be dispositive of Board proceeding, but only needs to have a bearing on issues before the Board); *General Motors Corp v. Cadillac Club Fashions, Inc.*, 22 USPQ2d1933, 1936–37 (TTAB 1992) (relief sought in federal district court included an order directing Office to cancel registration involved in cancellation proceeding); *Other Telephone Co. v. Connecticut National Telephone Co.*, 181 USPQ 125, 126–27 (TTAB 1974) (decision in civil action for infringement and unfair competition would have bearing on outcome of Trademark Act § 2(d) claim before Board), *pet. denied*, 181 USPQ 779 (Comm'r 1974). See also *Tokaido v. Honda Associates Inc.*, 179 USPQ 861, 862 (TTAB 1973); *Whopper-Burger, Inc. v. BurgerKing Corp.*, 171 USPQ 805, 806–07 (TTAB 1971); *Martin Beverage Co. v. Colita Beverage Corp.*, 169 USPQ 568, 570 (TTAB 1971).

Therefore, in light of the overwhelming likelihood that the Motion to Suspend will be granted, and the

absence of any arguments to the contrary in Applicant's Motion to Compel Discovery, the Motion to Compel Discovery should not be considered until after the Motion to Suspend has been ruled on. The Applicant has not responded to the Motion to Suspend, instead trying to force a circumvention of the relevant case law and Trademark Rule 2.117 (a), 37 C.F.R. § 2.117(a) via its Motion to Compel Discovery.

Applicant has not cited any authority for the proposition that a motion to suspend the proceedings doesn't moot the motion to compel. Applicant relies on 37 CFR § 2.120(e), which provides that "the filing of a motion to compel any disclosure or discovery shall not toll the time for a party to comply with any disclosure requirement or to respond to any outstanding discovery requests." But the situation described in this rule is not what is happening in this proceeding. Opposer has filed a Motion to Suspend, not a Motion to Compel Discovery.

Fundamentally, to grant the Applicant's Applicant's Motion to Compel Discovery would prejudice Opposer's case in the United States District Court for the Southern District of New York because it would provide Defendant with discovery before they even answer the district court complaint. It is precisely to avoid these conflicts that absent unusual circumstances, the Board will suspend its proceedings until after a ruling in a civil action.

In an e-mail dated February 24, 2016, Opposer explained this in full to Applicant, attached hereto as "**Exhibit A**":

"Notwithstanding our pending motion for a stay, we can, if you wish, serve a response which will consist entirely of objections based on the pendency of that motion. Substantively, *our objection will be based on the continuation of discovery in this or any related TTAB action in view of the pending litigation in the Southern District of New York because such disclosure would be prejudicial to Codename Enterprises, Inc. in the District Court matter, in which discovery has not yet begun.* It is not clear that any interest under the Rules is served by our service of such a pro forma response considering that your client is aware of our objection, as it has been since the filing of our motion." (emphasis added.)

Applicant's assertion that the Opposer's request for an extension of Discovery Requests was in "bad faith" because it was planning a Motion to Suspend is wholly without merit and relies entirely on circumstantial evidence of timing.

Even if the facts were as alleged by Applicant, Applicant has not cited any authority for its assertion, in effect, that an Opposer asking for an extension of discovery, while also contemplating that it might file a Motion to Suspend because of the filing of a civil action, is acting in "bad faith." Such a finding would undermine the ample precedent, cited above, that "Unless there are unusual circumstances, the Board will suspend proceedings in the case before it if the final determination of the other proceeding may have a bearing on the issues before the Board." See 37 CFR § 2.117(a). If the Applicant wishes to allege "unusual circumstances" than it should oppose the Motion to Suspend rather than seek to continue with proceeding with procedural maneuvering.

Notwithstanding the preceding, the reason the extension was requested was exactly as stated in Opposer's e-mail of January 29, 2016 to Applicant, attached hereto as "**Exhibit B**", namely: "due to various issues with technology, business and outside legal counsel."

At the time of the extension request, Opposer was in the midst of the final stages of massive technology upgrade, the launch of a redesigned website and an updated product offering (which had been in discussion, planning, architecting, designing and development for almost two years). The request was made during the exact period of time when discovery was due. In light of the demands of the launch on the engineering and business staff, the very same personnel who would need to respond to the Discovery Requests, Opposer had a pressing need to request an extension for the technology and business reasons. The technology, re-design and updated consumer product to be debuted by Opposer were also directly relevant to many of Applicant's Discovery Requests, which also contributed to Opposer's decision to request an extension from Applicant.

In its Cease and Desist letter dated April 15, 2016, Opposer informed Applicant that it had already been working for a year on a large-scale project to bring back its self-service consumer platform. The relevant first three pages of the Cease and Desist letter are attached hereto as “**Exhibit C**” (see highlighted text, page three). The redesigned Buzzr.com website, new technology and re-positioned and updated self-service consumer product offering were announced on the Opposer’s website blog on February 22, 2016, attached hereto as “**Exhibit D**.” Screenshots of the new website and the previous website design are attached hereto as “**Exhibit E**.” The timing of the launch was coincidental to the due date of the discovery requests but precluded a full and timely response without an extension.

Opposer’s in house counsel, Edward Sussman was also in the midst of consulting with various outside counsel about the possibility of a federal district court action. Opposer had not decided with finality to file the district court action, it had not yet hired counsel to represent it in the district court action and it had not yet been advised by its eventual outside attorney, Archer & Grenier, that in light of the federal district court complaint eventually filed, Opposer should file a Motion to Suspend the Board proceeding and not proceed with discovery because it would prejudice the district court action.

The letter of retainer between Opposer and Archer & Grenier, was executed February 11, 2016, some 13 days *after* the Opposer requested the two-week extension from Applicant on January 29, 2016. The letter of retainer is privileged communication between attorney and client but can be provided to the Board in camera. But attached hereto, as “**Exhibit F**” is a redacted e-mail from February 11, 2016, between Opposer and its new counsel, Archer & Greneir, hiring them and providing them for the first time with the Notice of Opposition, Response by Applicant and *discovery requests* in this proceeding.

Finally, in an abundance of caution, Opposer hereby affirms that it will respond in detail to each to Applicant’s discovery requests within the next seven business days, with the response explained in its e-mail to Applicant: it will objection to each request based on the pendency of the Motion to Suspend, with the substantive objection that the continuation of discovery in this or any related TTAB action in view of the pending litigation in the Southern District of New York would be prejudicial to Codename Enterprises, Inc. in the District Court matter, in which discovery has not yet begun.

Respectfully submitted,

March 15, 2016.

/Edward Sussman/

Edward Sussman
Codename Enterprises, Inc.
111 West 67th Street
New York, NY 10023

ed@buzzr.com
646-283-9427

Certificate of Service

I hereby certify that a true and complete copy of this **Response to Motion to Compel** has been e-mailed to Applicant in accordance with a written agreement between the parties to accept e-mails in lieu of physical service,

Date of E-Mail of Document to Applicant: 3/15/2016

Name of applicant, attorney certifying mailing: Edward Sussman

Signature: /Edward Sussman/
Edward Sussman

Date of Signing: 3/15/2016

Exhibit A

From: Ed Sussman [mailto:emsussman@gmail.com]
Sent: Wednesday, February 24, 2016 8:11 AM
To: Michael J Salvatore <MSalvatore@holmesweinberg.com>
Cc: rcoleman@archerlaw.com; Steven M. Weinberg <smweinberg@holmesweinberg.com>; Nelda Piper <NPiper@holmesweinberg.com>
Subject: Re: "BUZZR" Trademark Opposition // Demand for Outstanding Discovery Responses

Dear Mr. Salvatore,

Notwithstanding our pending motion for a stay, we can, if you wish, serve a response which will consist entirely of objections based on the pendency of that motion. Substantively, our objection will be based on the continuation of discovery in this or any related TTAB action in view of the pending litigation in the Southern District of New York because such disclosure would be prejudicial to Codename Enterprises, Inc. in the District Court matter, in which discovery has not yet begun.

It is not clear that any interest under the Rules is served by our service of such a pro forma response considering that your client is aware of our objection, as it has been since the filing of our motion. If, however, your client deems it worthwhile to file a motion to compel even while our motion for a stay is pending, we cannot prevent it from doing so, and will respond appropriately if the stay is not entered by that time.

1

Sincerely,

Edward Sussman

Ed Sussman
CEO
Buzzr
Catch the Buzz!

Buzzr.com
@Buzzr

(p) [646-283-9427](tel:646-283-9427) (direct)
(p) [917-410-1490](tel:917-410-1490) (main)

Exhibit B



Ed Sussman <ed@buzzr.com>

Jan 29 ☆



to Michael, Steven, Nelda ▾

Gentlemen,

Regarding your discovery requests (Admission, Interrogatories, Production of Documents), I would like to request a two week extension due to various issues with technology, business and outside legal counsel. The newly proposed due date is February 19, 2016.

As per parties mutual agreement following pre-trial conference on October 29, 2015 that e-mail service would be acceptable as an alternative to mail, I am making this request solely by e-mail.

Please let me know if this is acceptable.

Regards,

Exhibit C



April 15, 2015

FreeMantle Media North America
Attn: Thom Beers
2900 West Alameda Avenue, Suite 800
Burbank, CA 91505

Re: Cease and Desist Use of “Buzzr” Trademark

Dear Mr. Beers,

I have received your lawyer’s letter of March 18, 2015. I wish to respond from the perspective of a CEO, as well as General Counsel, so you can better understand the facts of the situation. I am happy to discuss this matter with you or your counsel, after you have considered the following.

First, please understand that first and foremost, Buzzr started as a consumer Internet company, offering its services to the general public, including individuals, families, small business owners, sole proprietors, and small non-profits. This is the consumer profile that dominates our customer base, not large, highly sophisticated corporate clients. In your lawyer’s letter, he confuses the clientele of Lullabot Inc., our partner and investor, with that of Buzzr. Lullabot is a website development agency for some of the largest companies in the United States; Buzzr is a wholly independent entity, owned by Codename Enterprises Inc., with a product aimed at the mass market. We spent almost two years developing this product specifically so it would be friendly and accessible to ordinary people without any technical sophistication.

As of March, 2015 there are more than 178 million active websites and 878 million hosted names of potential websites on the World Wide Web. Please see Netcraft.com for independent verification. That’s up from 54 million active websites about seven years ago. In other words, ours is a huge and exploding market, with a mass-market customer base that no doubt rivals or exceeds the size of the intended audience for your products.

Our most successful competitors include Wix, Weebly, Squarespace, Wordpress.com and GoDaddy. These are companies with millions of users (Wix alone boasts of hosting 50 million websites). They all engage in mass consumer advertising, including television, radio, print and extensive use of social networks and search engines. We all offer a similar product, with our own variations – a drag and drop website builder. Our product (as per our trademark) also includes, among many other features, a social network linking users, websites and external social media, a blogging tool with wide applicability and, various types of advertising. We are fantastically proud of our technological achievement, reducing the complex functionality of a professional content management system (“CMS”) to a simplified user interface for non-technical end users for our long-



stated mission of “bringing Drupal to the masses.” Making hard stuff easy for the public to do is one our primary company reasons for existence.

Our product is equal to or better than the products of our better-known competitors and took us years to create. While we are in an earlier stage of brand recognition and mass marketing, we have a team of officers, directors, advisors and investors of the same caliber of experience and achievement as that of our competitors and we are entitled to the same level of protection of our trademark, and opportunity to market our product without interference, as these competitors. Had a third-party come along and infringed on the trademark of any of our competitors in the same manner as you are with “Buzzr”, when they were at a similar stage of corporate growth as us, then their businesses would have been killed. Instead, since they have been able to compete without massive infringement of the type you propose, they have created companies with multi-hundred million dollar and multi-billion dollar valuations.

If you doubt our products and services were targeted to a mass audience from the very beginning, please read my first public blog post about the company, which had by then been in stealth for about a year. <http://www.buzzr.com/content/why-startup-now-0> Or read this story in GigaOm, the well known technology blog, about our acquisition of the consumer e-commerce company, Tipzu <https://gigaom.com/2009/08/05/419-drupal-cms-buzzr-acquires-e-commerce-site-tipzu/> or this story on CMS Wire, the tech trade publication, about the same acquisition. <http://www.cmswire.com/cms/web-cms/drupal-cms-buzzr-snatches-e-commerce-site-tipzu-005261.php> Tipzu was also a company with mass-market consumer target. Or, to quote a different, November, 2009 story in CMS Wire, “Buzzr.. a Lullabot spawned startup [is] focused on bringing hosted Drupal solutions to the masses.” <http://www.cmswire.com/cms/web-cms/whats-a-flutter-with-drupal-start-up-buzzr-006016.php#null>

If this comes to trial, we will be able to present our business plans going back six years, including our P&L projections showing how we propose to get to \$100 million in revenue with a \$9.95 a month websites. These plans were widely circulated to VCs and other investors. We will also be able to show the dozens of templated “Quickstart” websites we have created as starter templates for the mass market. Websites are easy to set up these days, thanks to technology from companies like Buzzr. People set up websites and mobile sites for their weddings and bar mitzvahs, their hobbies, their kids’ extracurricular activities, their pets, and more. Our latest technology, which we spent half a year building, is “responsive”, so the websites are optimized for a high degree of readability on mobile phones, further expanding our customer base.

We have temporarily deemphasized our mass-market consumer products and services on the Buzzr.com homepage, perhaps leading to your confusion, because we now believe our product, built as a usability layer on top of one of the most complex professional platforms in this field, needs to be even more streamlined to reach biggest portion of the



111 west 67th street, suite 20b, new york, ny 10023

mass market. While tens of thousands of websites have been built with Buzzr software, we obviously need that number to be millions to become a \$100 million+ revenue company, our continued goal. We've deemphasized consumer marketing while we work on the next release of our product, with many feature and user interface improvements.

That planning has been underway for more than a year, although it's hit some speed bumps. As we are built on top of the open source content management project, Drupal, we are anxiously awaiting an upcoming release of Drupal, D8, the next generation of our underlying software platform. The D8 project has been in the works for 4.5 years and has involved thousands of contributors, including crucially, our partner Lullabot. All of this is readily confirmed with Internet searches. Drupal is one of the largest open source projects in the world, with tens of thousands of contributors and millions of users. The timing of the D8 release, however, is out of our control. It has taken about a year more than most people expected, delaying the release of the next generation of our Buzzr products. However, we remain fully committed to continuing to offer a mass-market product for the broadest possible range of consumers. Your actions, in fact, are forcing us to accelerate our plans, even if it means going in a different direction with our technology, because we want to resume mass marketing as quickly as possible, before you completely ruin us.

While we successfully continue to offer enterprise products to a higher-end B2B enterprise clientele willing to pay a premium price, this is not where our largest opportunity lays. So, if your attorneys plan to rely on the "degree of care likely to be exercised the purchaser" factor in *AMF Inc. v. Sleekcraft Boats* (9th Cir. 1979) 599 F.2d 341, 348 -349 for your defense, then you will have to make your argument concerning the hundreds of millions of people who set up websites, not just sophisticated enterprise customers.

At my previous company, as president of Mansueto Digital (FastCompany.com and Inc.com), I ran a consumer Internet company with a user base in the millions. I drove revenue from six figures to eight figures. My Board, investors and advisors have even more compelling track records, with a successful history brining tech companies public or to multi-hundred million valuations. Our goal for Buzzr has always been to create a nine-figure company in the consumer space.

But simplifying and improving our product is, of course, only part of what's needed for mass success. We must also have the same mass marketing opportunities as our competitors to have a chance of success. And we must have a distinct brand, known especially for quality and class. We made inroads here during our first few years. Admittedly, though, not enough to become recognized as a "famous" mark as per the USPTO test, yet.

Exhibit D

Welcome Back: Free Websites on the Buzzr.com Platform!

By admin - Monday February 22, 2016

When we launched the Buzzr platform in 2009, we gave away thousands of free websites on Buzzr.com networked together on a social discovery platform. Eventually, we changed to a paid model. But now we're proud to re-introduce free websites on Buzzr.com, tightly integrated in a content discovery social network.

We love websites. We love discovering them. We love making them. We love learning from them.

Buzzr is a place for other people who love websites, too. It's a place to discover an expanding jumble of sites filled with great stuff: ideas, people, entertainment, business, companies, places and much more.

But unlike other networked social content discovery platforms, like Tumblr and Medium, we don't just give our website builders simple blogging tools. Yes, if you just want a simple-to-use blog, we have that. But we also have a fully-featured suite of website building and design tools, with many gorgeous, contemporary themes. So you get the best of a website builder with all the benefits of a networked content discovery platform — a built in audience of other website lovers already on the Buzzr network.

We have lovely, modern themes that other people pay thousands of dollars for. And lovely, modern features that won't leave you scratching your head.

And because we're a fully networked discovery platform, having a site on Buzzr is a great idea even if you already have another website or blog.

For our enterprise clients, we're still maintaining all our white label and reseller options, as well as the Buzzr Education CMS. But instead of just Drupal multi-sites, we can now offer WordPress multi-sites, too.

Please let me know your thoughts! I can be reached at ed@buzzr.com

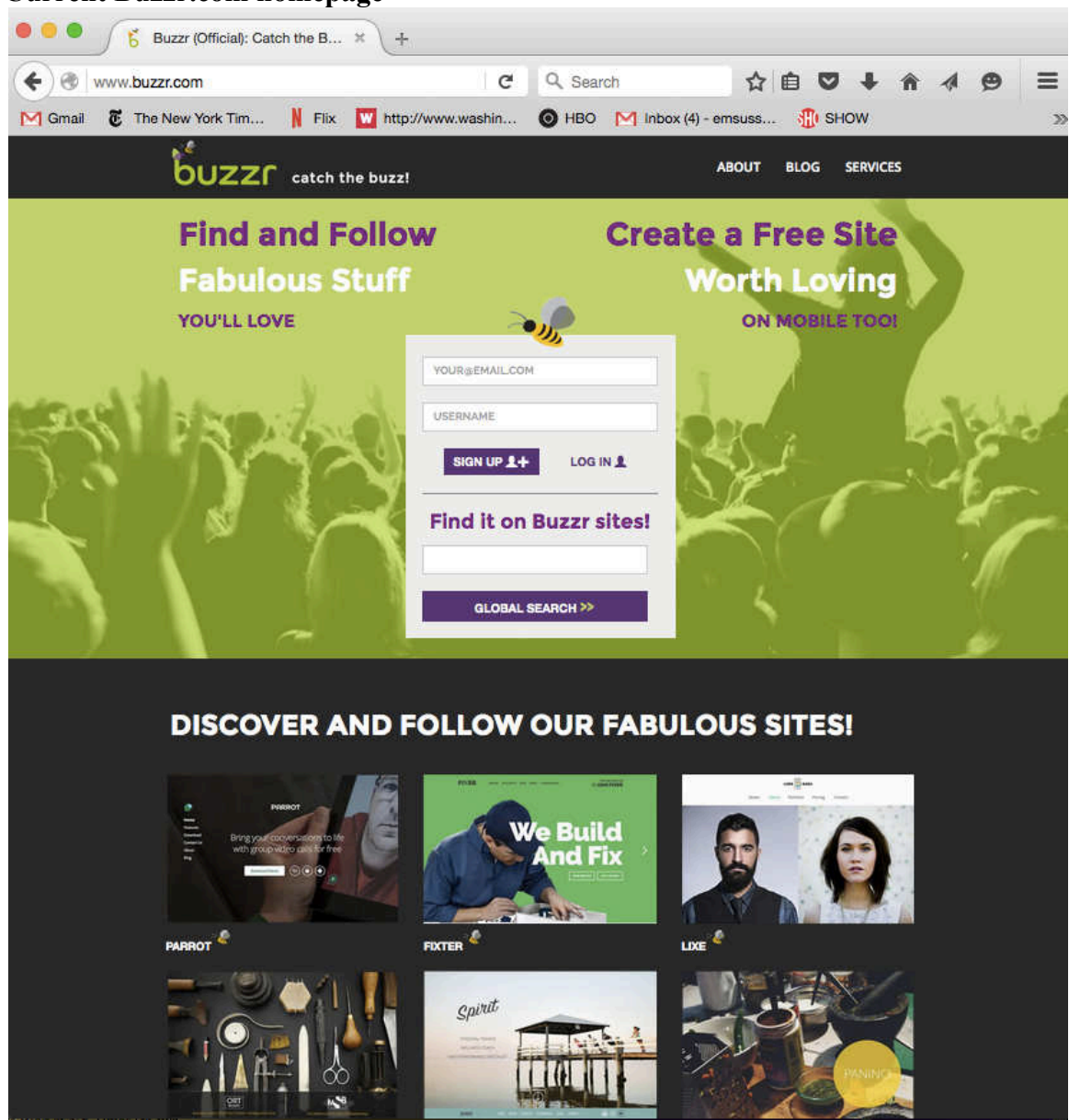
Cheers,

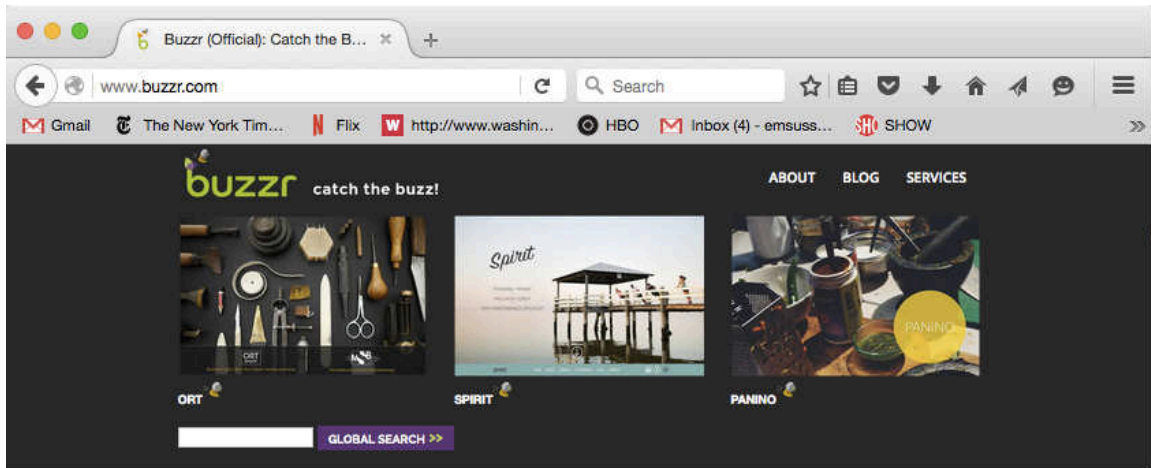
Ed Sussman
CEO

[Back to List](#)

Exhibit E

A. Current Buzzr.com homepage





FEATURES

Find Fab Stuff

Know all those sites you visit then lose track of, maybe forever? Not with Buzzr. Whether it's site about a television show, a small business, a school, a musician or thousands of other subjects, you can discover it on Buzzr. Don't see something you like? Create a free site in less than a minute.



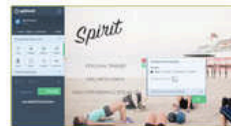
Easy to Follow (Coming soon)

Once you follow a site, its updates show up on your feed. No need to jump from place to place to keep up with a site you like. And if you see a post you really like, you can easily share it on your site or on social media. Lead, follow, publish or browse. It's up to you



Free Website Builder

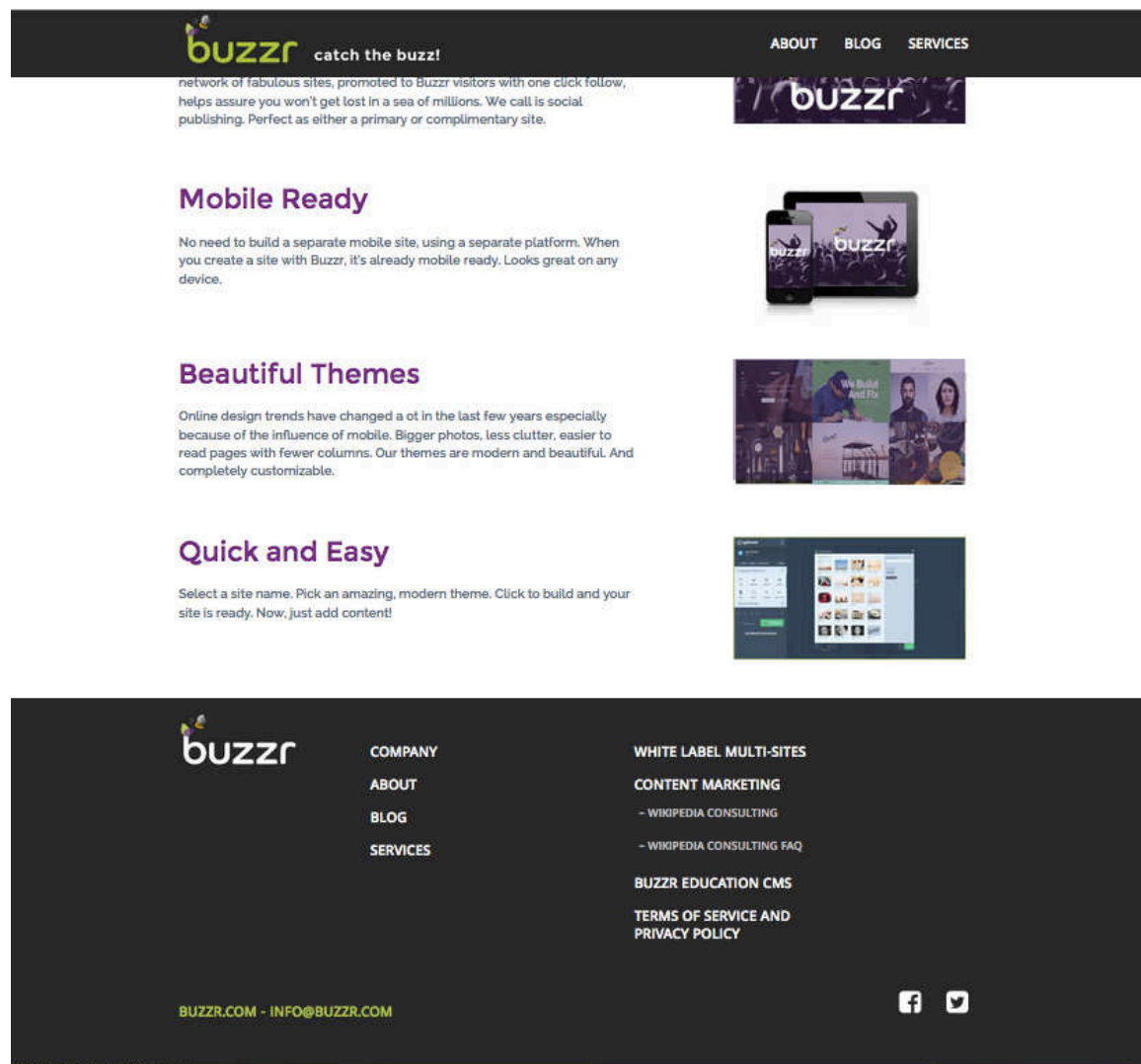
It's not just a blog. It's a real website with a host of drag and drop widgets, from slideshows to social media integration. Plus in line editing, beautiful themes and great SEO.



Built in Buzz!

Want to promote your documentary? Your business? Your rock band? You





B. Previous Buzzr.com website



buzzr

Set Your Sites Higher

info@buzzr.com | (917) 410-1490

[COMPANY](#) | [BLOG](#) | [VIDEOS](#) | [BUZZR EDUCATION CMS](#)

[PRODUCTS](#)

[SERVICES](#)

[FEATURES](#)

[CLIENTS](#)

[PRICING](#)

[OUTSOURCING](#)

A Website Platform for All Devices

Concierge support, fully customizable features.

[Learn More](#)



For Multi-Site Managers

who want to create a structured network of sites.

For Service Providers

who want a digital subscription product with low overhead.

For Educators

who want a turn-key solution at a reasonable price.

For IT Pros

who want enterprise features yet with a simple UI for end users.



An On Demand, Single Sign-On Network of Drupal-Powered Sites

You want a top-down WCMS that let you impose order in the potentially very messy world of multi-site creation and management. Buzzr goes one step further than most WCMS by providing full social network

back to pure simplicity for end users.

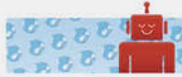
✓ High touch point support from a team with years of Drupal multi-site experience.

source Drupal modules.

✓ Customize per site with dozens of drag and drop features, publishing tools, social media integration, CSS, HTML and javascript.

[Learn More](#)

LULLABOT



Buzzr's development is led by Lullabot, the world's top Drupal consulting and education firms. Clients include Sony, the Grammys, IBM, BBC, The Economist, Walmart, MTV, Harvard, Verizon and many others.

DRUPAL



Buzzr is "Drupal-Made-Easy." Drupal is the world's most state-of-the-art open source WCMS, with more than 500,000 project participants. Used by The White House, Martha Stewart, Intel, MIT and thousands of large enterprises.

RACKSPACE



Buzzr is an official Rackspace Partner and a member of the Rackspace Cloud Tools program. Rackspace is the world's leading cloud hosting firm, famous for fanatical support. We also offer Buzzr on Managed Private Clouds with Rackspace.

Overview Video



BUZZR BLOG

LATEST ON BUZZR HIGHER EDUCATION

Tue, 06/30/2015 - 16:46

[mStoner](#), our partner in the Buzzr Education Content Management System, recently highlighted the dramatic performance optimization we've done on the platform over the past year, as well as several other features.

Here's a reprint of the column from COO Bill McLaughlin.

[> Read more](#)

BUZZR ANNOUNCES CONTENT MARKETING DIVISION WITH WIKIPEDIA, TWITTER AND FACEBOOK SERVICES

Tue, 03/03/2015 - 14:44

Follow us on



You, Projectvj US and 571 others like this.



Newsletter

[> Read more](#)

BUZZR ANNOUNCES CONTENT MARKETING DIVISION WITH WIKIPEDIA, TWITTER AND FACEBOOK SERVICES

Tue, 03/03/2015 - 14:44

(New York) - Buzzr announced today that it would be expanding into content marketing, assisting organizations and individuals with creating online content for their websites, mobile sites and social media presences, such as Wikipedia, Twitter and Facebook.

[> Read more](#)

INTERVIEW WITH BUZZR IN HIGHER ED TECH DECISIONS

Thu, 12/04/2014 - 13:03

Ed Sussman, the CEO of Buzzr, spoke a few weeks ago to Jessica Kennedy, an editor for HigherEdTechDecision.com. Just out, her article, based on the conversation: ["7 Benefits to Redesigning Your University's Website Today."](#)

Her list?

[> Read more](#)

[>> Read More Blog Posts](#)

Newsletter

Email Address

Subscribe

AS SEEN ON



Hive Talkin'



Lullabot Ideas

BUILDING43

PRODUCTS
SERVICES
FEATURES
CLIENTS
PRICING
OUTSOURCING

COMPANY
BLOG
VIDEOS
BUZZR EDUCATION CMS

Buzzr.com - info@buzzr.com
(917) 410-1490



Exhibit F



Ed Sussman <ed@buzzr.com>

to Taub, Ronald

Feb 11



[Show details](#)

Hi Ron,

Board approves. You're hired!

Attached is the signed letter. I will drop the hard copy in the mail tomorrow morning. Please send wire instructions or we can send a physical check if you prefer. cc to Taub Swartz, our CFO.

Attached is Notice of Opposition I filed for the first attempted registration, Fremantle's response and the discovery requests in that matter from Fremantle (I believe the requests suggest they will try to maintain that we do not have a consumer-facing brand.)